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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,980	12/18/2000	Joseph Raice	MS-663	4297

7590 05/07/2004
Bernard Malina, Esq.
60 East 42nd Street
New York, NY 10165-0501

EXAMINER

SON, LINH L D

ART UNIT	PAPER NUMBER
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2135

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DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/739,980

Applicant(s)

RAICE, JOSEPH

Examiner

Linh LD Son

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, and 3-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Elliott et al (US/5559993).
3. As per claims 1 and 7, Elliott et al disclose the “Hardware circuit for securing a computer against undesired write and/or read operations” invention, which includes a method and an apparatus for controlling virus damage to a computer system comprising:

A person computer (Col 1 lines 5-15) has a plurality of means for storing data. It is inherent that a person computer’s operating system and applications are residing on the first hard drive and personal files are on the second one.

iii) a first switch manually operable between a write-enabling state and a write-disabling state communicating with and respectively leaving unprotected and protected the first disk drive (Col 4 lines 52-62); and

iv) a second switch manually operable between a write-enabling state and a write-disabling state communicating with and respectively leaving unprotected and protected a second disk drive (Col 4 lines 52-62).

As per claim 3, Elliott et al disclose the apparatus according to claim 1 wherein the first and second disk drives are disk drives (Col 2 lines 35-40).

4. As per claim 4, Elliott et al disclose the apparatus according to claim 1 wherein the first and second switches are selected from the group consisting of key-lock, toggle, rocker, push-button, fully isolated electro-mechanical and fully isolated electronic switches (Col 4 lines 52-55).
5. As per claim 5, Elliott et al disclose the apparatus according to claim 1 wherein the first and second disk drives are data drives within the computer system (Col 2 lines 35-45).
6. As per claim 6, Elliott et al disclose the apparatus according to claim 1 wherein the computer system comprises a housing into or onto which are mounted the first and second switches (Col 12 lines 32-37).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott et al.
9. As per claim 2, Elliott et al disclose the apparatus according to claim 1.
However, Elliot et al does not directly specify the apparatus includes a third disk drive which does not communicate with any switch operable between write-enabling and write-disabling states. Nevertheless, Elliot et al teach the switch protection mechanism is a circuit (HPCCSD) (Col 6 lines 10-35), which interface between hard drive controller and the hard drives. A personal computer is typically including two 34 pins ribbon connectors. and the Hardware Protection Control for Computer Storage Devices (PCCSD) only connect to one and also has capability protecting pluralities hard drives. Therefore, it is obvious at the time of the invention was made for one of ordinary skill in the art to understand that a third hard drive can also be connected to the second 34 pins ribbon connectors and it does not communicate with any switch operable between write-enabling and write-disabling states.

Conclusion

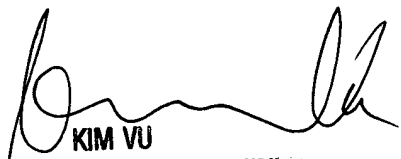
10. Any inquiry concerning this communication from the examiner should be directed to Linh Son whose telephone number is (703)-305-8914.

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11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Kim Y. Vu can be reached at (703)-305-4393. The fax numbers for this group are (703)-872-9306 (official fax). Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703)-305-9600.

Linh LD Son

Patent Examiner


KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100